

ORDINANCE NO. 213-19

BY: **VITO DIPIERRO**

AN ORDINANCE PLACING A MORATORIUM ON NEW  
ESTABLISHMENTS THAT SELL OR DISTRIBUTE  
ELECTRONIC SMOKING DEVICES AND/OR VAPOR  
PRODUCTS IN THE CITY OF PARMA, OHIO, AND  
DECLARING AN EMERGENCY

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Parma has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City;

WHEREAS, pursuant to section 1170.02 of the City's Planning and Zoning Code, the City regulates the location of businesses that sell tobacco products;

WHEREAS, H.B. 346, introduced before the 133<sup>rd</sup> Ohio General Assembly on September 23, 2019, proposes prohibitions on the sale or distribution of certain tobacco products, specifically electronic smoking devices and vapor products as defined in section 2927.02 of the Ohio Revised Code;

WHEREAS, there has been an increase in new establishments that sell electronic smoking devices and vapor products as defined in section 2927.02 of the Ohio Revised Code;

WHEREAS, this Council desires to review H.B. 346 in order to better understand the impact on tobacco businesses operating in the City and to further enact reasonable regulations as to the size, number and location of tobacco businesses in the City; and,

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace and comfort for the citizens of the City of Parma more effectively if a moratorium is in place;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. Council hereby approves and authorizes a moratorium on new establishments proposing to sell or otherwise distribute electronic smoking devices and/or vapor products as defined in section 2927.02 of the Ohio Revised Code.

Section 2. The moratorium on new establishments proposing to sell or otherwise distribute electronic smoking devices and/or vapor products is scheduled to expire in six (6) months from the date this Ordinance is passed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that it is necessary to impose this moratorium immediately so as comply with state regulations, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:_____	_____ PRESIDENT OF COUNCIL
ATTEST:_____ CLERK OF COUNCIL	APPROVED:_____
FILED WITH THE MAYOR:_____	_____ MAYOR, CITY OF PARMA, OHIO